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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,064

Applicant(s)

AHRENS ET AL.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Application filed 4/26/01, which has been fully considered.
2. Claims 1-18 are presented for examination.
3. This Action is non-Final.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the limitations "storing a second plan" and "retrieving the first plan and the second plan during a first service repair" as recited in claims 3, 5, 8, 10 and 13 and 15. The drawings must show every feature of the invention specified in the claims. Therefore, the recited features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. **Claims 1, 6 and 11** are objected to because of the following informalities: the claims recite "the processing system" in the preamble where they should recite --a processing system--. There is lack of antecedent basis for the claim limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 3, 5, 8, 10 and 13 and 15** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the limitations “storing a second plan” and “retrieving the first plan and the second plan during a first service repair” have not been enabled by the disclosure. The specification simply does not discuss storing or retrieving “a second plan” in relation to “a first service repair.”

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1-15** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Referring to claims 1, 6 and 11, the omitted steps are: generating a first plan. The step of generating the plan for repairing the operational failure has not been included. Moreover, it is unclear to the Examiner whether the plan is generated by the system or by the service representative. For the purpose of applying prior art, the Examiner interprets that either generating the first plan by the system or by the service representative meets the limitation of the claims.

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10. As dependent claims, claims 2-5, 7-10 and 12-15 suffer from the same deficiencies as claims 1, 6 and 11.
11. **Claims 3, 5, 8, 10 and 13 and 15** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Referring to claims 1, 6 and 11, the omitted steps are:
generating a second plan. The step of generating the second plan for repairing the operational failure has not been included. Moreover, it is unclear to the Examiner whether the plan is generated by the system or by the service representative. For the purpose of applying prior art, the Examiner interprets that either generating the first plan by the system or by the service representative meets the limitation of the claims.
12. **Claims 3, 5, 8, 10 and 13 and 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, with reference to the rejection under 35 USC 112, first paragraph, above, the claims have not been enabled and therefore have no basis for interpretation. Although not specifically disclosed, it can be inferred that a second repair may follow a first repair. Moreover, it is possible that the first repair plan (generated during the first repair) may be retrieved with the second repair plan (generated for the second repair). However, this only follows if the first plan and the second plan are retrieved *during the second repair (not during the first repair, as claimed)*. Therefore, for the purpose of applying prior art, the Examiner interprets that the limitation should read, "retrieving the first plan and the second plan from the storage device during a *second* service repair...."

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13. **Claim 6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the recited limitations do not comprise “steps.” The Examiner suggests deleting the phrase “the steps of” from lines 2-3 of the claim. For the purpose of applying prior art, the Examiner interprets the claim as being consistent with this change.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. **Claims 1-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Kleinschnitz (US 5,253,184) (hereinafter Kleinschnitz).

16. As for claims 1, 6 and 11, Kleinschnitz discloses a system, method and computer program product for monitoring multiple service repairs of an operational failure of a processing system, said system comprising:

a storage device [database 12, Fig. 1; databases 62 and 63, Fig. 1]; and

a hardware system console [Fig. 1] including

means for receiving a first data signal indicative of the operational failure of the processing system [col. 4, lines 8-22, “Within each customer equipment...40 has failed.”],

means for storing a first plan for repairing the operational failure of the processing system within said storage device in response to the reception of the first data signal [col. 5, lines 24-51, "In operation, the functional...this detected error."]; and

means for retrieving the first plan from said storage device during a first service repair of the operational failure of the processing system [col. 5, lines 5-22, "Where one or more...closure of the event."].

17. As for claims 2, 7 and 12, Kleinschnitz discloses the system of claims 1, 6 and 11 wherein said hardware system console further includes means for storing the first plan within said storage device as closed after the first service repair of the operational failure of the processing system [col. 5, lines 19-22, "Following this, GFR...of the event."].

18. As for claims 3, 8 and 13, Kleinschnitz discloses the system of claims 2, 7 and 12, wherein

said hardware system console further includes:

means for receiving a second data signal indicative of the operational failure of the processing system after a reception of the first data signal [col. 1, line 66 - col. 2, line 57, "The above described...on a subsystem basis."; col. 4, lines 8-22, "Within each customer equipment...40 has failed."];

means for storing a second plan for repairing the operational failure of the processing system within said storage device in response to the reception of the second data signal [col. 1, line 66 - col. 2, line 57, "The above described...on a subsystem basis."; col. 5, lines 24-51, "In operation, the functional...this detected error."]; and

means for retrieving the first plan and the second plan from said storage device during a first service repair of the operational failure of the processing system [col. 1, line 66 - col. 2, line 57, "The above described...on a subsystem basis."; col. 5, lines 5-22, "Where one or more...closure of the event."].

19. As for claims 4, 9 and 14, Kleinschnitz discloses the system of claims 1, 6 and 11 wherein said hardware system console further includes means for storing the first plan within said storage device as incomplete after the first service repair of the operational failure of the processing system [col. 7, lines 30-61, "The detecting processor...a single informative record."].

20. As for claims 5, 10 and 15, Kleinschnitz discloses the system of claims 4, 9 and 14 wherein

said hardware system console further includes:

means for receiving a second data signal indicative of the operational failure of the processing system after a reception of the first data signal [col. 1, line 66 - col. 2, line 57, "The above described...on a subsystem basis."; col. 4, lines 8-22, "Within each customer equipment...40 has failed."];

means for storing a second plan for repairing the operational failure of the processing system within said storage device in response to the reception of the second data signal [col. 1, line 66 - col. 2, line 57, "The above described...on a subsystem basis."; col. 5, lines 24-51, "In operation, the functional...this detected error."]; and

means for retrieving the first plan and the second plan from said storage device during a first service repair of the operational failure of the processing system [col. 1, line 66 - col. 2,

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line 57, "The above described...on a subsystem basis."; col. 5, lines 5-22, "Where one or more...closure of the event."].

21. As for claims 16, 17 and 18, Kleinschnitz discloses a system, method and computer program product for monitoring a service repair of an operational failure of a processing system, said system comprising:

a storage device [database 12, Fig. 1; databases 62 and 63, Fig. 1]; and

a hardware system console [Fig. 1] including

means for searching said storage device to identify each service plan related to the operational failure of the processing system during the service repair of the operational failure of the processing system [expert systems 1 and 11, Fig. 1; col. 5, lines 24-51, "In operation, the functional...this detected error."]; and

means for facilitating a display of each service plan identified as being related to the operational failure of the processing system during the service repair of the operational failure of the processing system [host computer 60, Fig 1].

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4,766,595, note Fig. 1; US 5,293,556, note Fig. 1; US, 5,675,724, note Fig. 1; US 5,561,760, note background; US 6,532,552 B1, note Fig. 5; US 6,591,228 B1, note diagnostic logging; US 6,529,893, note Fig. 2; US 6,317,701 B1, note field device management and logging.

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703)305-4897. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on (703)305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

 12/15/03

Aaron Perez-Daple



ANIL KHATRI
SUPERVISORY PATENT EXAMINER